

Briefing Paper for Administrator McCarthy

Title: San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta)

Status: EPA is facing three major issues in 2014 pertaining to the Bay Delta ecosystem.

- **Bay Delta Conservation Plan (BDCP):** We are preparing an (b)(5)(Deliberative) for the DEIS submitted by NMFS on behalf of the California Department of Water Resources (DWR) and two other federal co-lead agencies - FWS and USBR (EPA serves as a [cooperating agency](#)). The project calls for: (1) building twin tunnels 35 miles long connecting the Sacramento River directly to existing pumping facilities in the South Delta, and thereby avoid the problems that come with moving water from north to south across the Delta and the complex maze of fragile levees and subsided islands (e.g., poor water quality, fish entrainment, disruption of water supplies from regulatory actions or environmental catastrophe); and (2) restoring ~65,000 acres of wetlands on the periphery of the Delta. EPA and the co-lead agencies have raised [detailed concerns](#) about the potential adverse effects of the project, and the sufficiency of technical information.
- **Bay Delta Water Quality Control Plan (Water Quality Plan):** We (b)(5)(Deliberative) the [water quality standards](#) (WQS) proposed by the State Water Board governing the lower San Joaquin River and South Delta because they have not addressed the [detailed concerns](#) we raised in March 2013. The proposed Plan could lead to permanent violations of WQS and degradation of designated uses. We continue to work in good faith with our State counterparts in an effort to prepare an approvable Water Quality Plan, and we are initiating talks with OST and OW to coordinate a potential disapproval.
- **2014 Drought – State of Emergency:** On January 29th, DWR and USBR filed with SWRCB a Notice of a [Temporary Urgency Change Petition](#) (Petition) that pertains to the SWP and the federal Central Valley Project (CVP) and would relax February Delta Outflow and San Joaquin River Flow objectives for fear that meeting these flow objectives would require draining the reservoirs that serve the SWP and CVP. On January 31st, SWRCB approved this Petition consistent with the Governor’s Drought [Proclamation](#), and scheduled a public hearing on FEB 17th, and a deadline for appealing the Petition on MAR 3rd. Region 9 is working with FEMA and the State Office of Emergency Services (OES) to identify and assist the small community water systems that are at greatest risk of running out of water.

Background:

- The Delta supplies drinking water to 27 million people and 3 million acres of farmland.
- [Allocations](#) of developed water in CA: 62% agriculture, 16% M&I, 22% environment.
- [Earthquakes](#), [floods](#), and [sea level rise](#) all pose a risk to the 1,100 mile network of levees.
- Supplies of freshwater could be disrupted for years if the levees [fail](#).
- In 2012, EPA Region 9 issued a 7-point [Bay Delta Action Plan](#) to protect beneficial uses, and a Regional Bay Delta Team is working to implement the Plan.

Key Points:

- EPA leverages its unique authorities under the CWA and NEPA to provide a valuable perspective and technical expertise toward protecting water quality, restoring wetlands, and increasing the resiliency of ecosystems to drought, floods, fires, and climate change.
- We are working closely with the State agencies who are proposing the BDCP and the Bay Delta Water Quality Control Plan to make these efforts successful, but we must be also prepared to exercise our authorities to protect public health and the environment if those agencies fail in their efforts.

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